

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
WINSTON-SALEM DIVISION

IN RE:)
)
MARY FRANCES HARGETT,) Case No. 19-51280
)
Debtor.)
_____)

OBJECTION TO AMENDED MORTGAGE CLAIM NO. 9

NOW COMES the Debtor in the above-entitled case, by and through Counsel, and hereby moves the Court to disallow in full or in part, amended proof of claim No. 9 filed by Citibank, NA. In support hereof, the Debtor shows the Court as follows:

1. The Debtor filed a Chapter 13 proceeding on December 9, 2019 (the "Petition Date.")
2. On February 14, 2020, Citibank, NA ("Citibank") filed proof of claim number 9 in this matter alleging it was owed a secured claim in the amount of \$23,546.33 and amended the same on June 30, 2020 (the "Amended Proof of Claim").
3. The Amended Proof of Claim alleged that the arrearage amount on the loan was \$9,140.58 (the "Arrearage").
4. The Arrearage included an escrow deficiency in the amount of \$5,279.03 and a projected escrow shortage of \$1,305.00.
5. The Debtor's specific objection to and reason for believing that each of these calculations are erroneous is the figure of \$3,548.16 used to represent the yearly city and county taxes on the property (the "Property Tax").
6. The Debtor has informed Citibank previously that the Property Taxes are nowhere close to as high as \$3,548.16 per year, but Citibank failed to correct the same. The Debtor's house is only worth \$132,000.00.
7. A copy of the Debtor's most recent Property Tax bill for 2019 in the amount of \$1,175.78, which was paid by Citibank, is attached hereto and incorporated herein by reference as "Exhibit A."
8. Upon information and belief, the erroneous Property Tax figure was used to calculate the escrow deficiency figure, the projected escrow shortage figure, and the monthly ongoing escrow component of the mortgage payment.

9. The Amended Proof of Claim stated that the total ongoing monthly mortgage payment due is \$529.36 and is comprised of a principal and interest payment of \$124.93 and escrow payments totaling \$404.43. The homeowner's insurance premium is listed as \$1,305.00 per year. The Property Tax bill shows that the total due per year for Property Tax is \$1,175.78. Thus, the total escrow component figure should be \$206.73 per month.
10. The total ongoing monthly mortgage payment should be \$331.66.
11. The Arrearage should be significantly less than the \$9,140.58 because the escrow deficiency and projected escrow shortage should be significantly less than the amounts alleged in the Amended Proof of Claim.

WHEREFORE, the Debtor prays the Court enter an Order as follows:

1. That the Amended Proof of Claim filed by Citibank, NA on June 30, 2020 be disallowed in full or in part and that the Court determine the correct amounts due;
2. Allow the undersigned a fee of \$400.00 for the prosecution of this Objection; and
3. For such further relief as the Court shall deem just and proper.

This the 6th day of July 2020.

/s/ Kristen S. Nardone
KRISTEN S. NARDONE
Attorney for Debtor
NC Bar No. 28063

OF COUNSEL:

Nardone Law, PLLC
PO Box 1394
Concord, NC 28026-1394
(704) 784-9440

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IN RE:)
)
MARY FRANCES HARGETT,) Case No. 19-51280
)
Debtor.)
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NOTICE OF OBJECTION TO MORTGAGE CLAIM

Mary Frances Hargett has filed an objection to your claim in this bankruptcy case.

Your mortgage claim may be reduced, modified, or eliminated. You should read these papers carefully and discuss them with your attorney, if you have one.

If you do not want the court to eliminate or change your claim, then on or before August 9, 2020, you or your lawyer must file with the court a written response to the objection, explaining your position at:

U.S. Bankruptcy Court, P.O. Box 26100, Greensboro, NC 27402-6100

If you mail your response to the court for filing, you must mail it early enough so that the court will **receive** it on or before the date stated above.

You must also send a copy to:

Nardone Law, PLLC
Attn: Kristen S. Nardone
PO Box 1394
Concord, NC 28026-1394

Attend the hearing on the objection, to be held on August 19, 2020, at 9:30 a.m. in the United States Bankruptcy Court, 601 W. 4th Street, Suite 100, Winston-Salem, NC 27101.

If you or your attorney do not take these steps, the court may decide that you do not oppose the objection to your mortgage claim.

Date: July 6, 2020

Signature: /s/ Kristen S. Nardone

Name: KRISTEN S. NARDONE

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AFFIDAVIT OF SERVICE

I, Steven E. Nardone, certify that service of the **Objection to Mortgage Claim and Notice of Objection to Mortgage Claim** filed in this Chapter 13 Bankruptcy proceeding was made on July 6, 2020 by:

Electronic Case Filing:

Kathryn L. Bringle
Chapter 13 Trustee

William P. Miller
Bankruptcy Administrator

Via U.S. Mail

Mary Hargett
3735 Stallings Rd.
Harrisburg, NC 28075

Citibank, NA
c/o Darrelyn Shanae Thomas
RAS Crane LLC
10700 Abbotts Bridge Rd, Ste. 170
Duluth, GA 30097

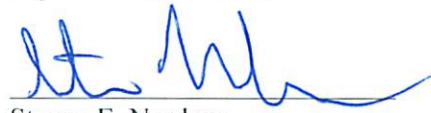
Citibank, NA
c/o Kristen M. Redman, Esq.
Tuggle Duggins P.A.
100 N. Greene Street, Suite 600
Greensboro, NC 27401

Citibank, NA
Fay Servicing, LLC
PO Box 814609
Dallas, TX 75381

Upon penalty of perjury, I declare that the foregoing is true and correct.

Date:

7/6/2020


Steven E. Nardone

Selected Tax Bill Info[View Appraisal Card](#)

Account#: 91086	Bill#: 048240	Last Trans Date: 11/06/2019	Building Value: 90,660	Current Balance: 0.00
HARGETT MARY FRANCES	Parcel#: 55171326840000	Last Payment : 11/06/2019	Outbuilding Value: 5,180	Original Levy: 1,175.78
3735 STALLINGS RD	Pin#: 01017 0005.000000		Land Value: 36,270	Personal Value: 0
	Escrow: LERE		Parcel Value Total: 132,110	Total Valuation: 132,110
HARRISBURG NC 28075-9321	Status:		Deferred Value: 0	Exemption: 0
3735 STALLINGS RD	Legal Description: STALLINGS ROAD 1.000LT		Taxable Value: 132,110	

Taxes and Fees Billed By County

Description	Levied	Interest/Fees	Released	Collected	Balance
HARRISBURG FIRE RURAL	198.17	0.00	0.00	198.17	0.00
COUNTY TAX	977.61	0.00	0.00	977.61	0.00
Totals	1,175.78	0.00	0.00	1,175.78	0.00

Payment History

TransactionDate	InterestDate	Type	Interest/Fees	Released	Collected
11/6/2019 4:14 PM	11/06/2019	Payment	0.00	0.00	1175.78

Exhibit A

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

**IMPORTANT NOTICE TO THE BAR AND PUBLIC CONCERNING
SCHEDULED HEARINGS UNDER THE EXIGENT CIRCUMSTANCES CREATED
BY CORONAVIRUS (COVID-19)**

PLEASE TAKE NOTICE THAT, due to COVID-19, hearings may proceed telephonically or by videoconference, rather than in person (or “in open court”). At this time, unless an order is issued setting a matter for hearing in open court, or the matter is specially noticed, it will be heard virtually, and parties will not be permitted to access the courtroom. Parties should consult the Court’s website, www.ncmb.uscourts.gov, or call the Clerk’s Office at 336-358-4000 prior to any scheduled hearing to determine if this policy has changed.

PLEASE TAKE FURTHER NOTICE THAT, if a hearing proceeds in open court, parties must comply with the Court’s Standing Order Regarding Entrance and Hearing Protocols for the Exigent Circumstances Created by COVID-19, as may be amended from time to time.

PLEASE TAKE FURTHER NOTICE THAT all attorneys, witnesses and parties wishing to attend a telephonic hearing or conference must:

- (1) Not use speaker phone.
- (2) Call from a quiet area, where background noise is minimal.
- (3) Wait until the judge calls their case before speaking.
- (4) Clearly state their name each time before speaking.
- (5) Put their phone on mute until their case is called, but NOT put the phone on hold at any time after the call is connected.

Pursuant to Local Rule 5073-1, audio and video recording of court proceedings by any party without permission is prohibited. This applies to all proceedings, whether held in open court, telephonically, or by videoconference.

Dial-In Numbers For Attending Court Hearings By Audio

When attending court by way of audio, please use the number and access code that corresponds to the presiding judge.

Judge	Dial-In Number	Access Code
Judge James	866-434-5269	2732206
Judge Aron	888-363-4735	6733082
Judge Kahn	877-848-7030	8852513